WP(C) 2930/2006
BEFORE
THE HON'BLE MR JUSTICE B.K. SHARMA

The matter relates to grant of financial assistance. According to the petitioners, their schools were established prior in point of time than the respondents No. 4, 5 and 6. However, while extending the benefit of financial assistance, the petitioners' schools have been ignored.

I have heard Mr. M.H. Rajbarbhuiya, learned counsel for the petitioners as well as Mr. R. Ali, learned counsel for the respondents No. 4, 5 and 6. I have also Mr. M. Mishra, learned Standing Counsel, Education Department.

While Mr. Rajbarbhuiya, learned counsel for the petitioners submits that in view of the undisputed fact that the petitioners' schools are senior to the schools of the private respondents, the petitioners are entitled to receive financial assistance. On the other hand, Mr. Ali, learned counsel for the private respondents submits that except the school of the respondent No. 6, the other two schools are senior than the petitioners'. He further submits that as per the policy decision, the schools of the private respondents have been preferred on the basis of need and performance.

Neither the State respondent nor the private respondents have filed counter affidavit. However, Mr. Mishra, learned Standing Counsel, Education Department has produced the letter dated 14.6.2007 addressed to him by the Director of Elementary Education, Assam furnishing the report of the scrutiny purportedly carried out in respect o the schools in question. As per the report, while the petitioners' schools were established on 15.2.1981, the schools of the private respondents were established on 1.1.1982, 1.5.1983 and 1.5.1984 respectively. The report does not give any indicate as to why the petitioners' schools have been ignored. No indication has also been given in the report for any exception ignoring the seniority.

Mr. Rajbarbhuiya, learned counsel for the petitioner has placed reliance on the judgment and order of this Court passed on 22.5.2007 in a batch of writ petitions, one of which is WP(C) No. 332/2006. By the said judgment and order, direction has been issued to provide financial assistance to the schools like that of the petitioners' applying the same parameters and yardsticks as was applied to the schools, provided the financial assistance. As per the said judgment, necessary scrutiny was also to be carried out.

In view of the above, this writ petition is disposed of directing the respondents to consider the case of the petitioners in terms of the said judgment and order dated 22.5.2007 towards providing financial assistance. Other directions as contained in the said judgment and order shall also govern the case of the petitioners.

Whatever formalities are to be carried out, shall be so carried out as expeditiously as possible, preferably within a period of 4 months.

Writ petition is disposed of. Interim order, passed earlier stands vacated.